

1 BILL NO. Z-86-06-10 (AS AMENDED)

2 ZONING ORDINANCE NO. Z- 16-86

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. U-18.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
6 FORT WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is
8 hereby designated a B-1-A (Limited Business) District under
9 the terms of Chapter 33 of the Code of the City of Fort
10 Wayne, Indiana of 1974:

11 A tract of land in the Northeast quarter of Section 33,
12 Township 31 North, Range 13 East, Allen County,
13 Indiana, more particularly described as follows:

14 Commencing at the Northeast corner of the Northeast
15 Quarter of said Section 33; thence South 00 degrees 46
16 minutes 00 seconds West (assumed) a distance of 1050.0
17 feet; thence North 89 degrees 14 minutes 00 seconds
18 West a distance of 29.0 feet to the Southeast corner of
19 The Hollows, a recorded subdivision in said Section 33;
20 thence South 82 degrees 18 minutes 04 seconds West a
21 distance of 110.40 feet along the Southerly boundary of
22 The Hollows; thence continuing along said Hollow's
23 Southerly boundary South 63 degrees 19 minutes 20
24 seconds West a distance of 210.0 feet; thence departing
25 from said subdivision's Southerly boundary South 00
26 degrees 46 minutes 00 seconds West parallel to the East
27 line of the Northeast Quarter of said Section 33 a
28 distance of 84.51 feet to the Point of Beginning;
29 thence South 00 degrees 46 minutes 00 seconds West a
30 distance of 191.74 feet; thence South 87 degrees 57
31 minutes 47 seconds West, parallel to Brandy Cove, a
32 dedicated street, a distance of 129.24 feet to the West
line of a 55 feet drainage easement for the Pearson
Drain; thence North 09 degrees 29 minutes 00 seconds
East along said Pearson Drain easement a distance of
144.01 feet to a line parallel to and 75.00 feet
Southeasterly of the Southerly boundary line of the
aforementioned Hollows subdivision; thence North 63
degrees 19 minutes 20 seconds East along said parallel
line a distance of 120.86 feet to the Point of Beginn-
ing containing 0.445 acres more or less and subject to
the Pearson Drain Easement and all other easements of
record.

and the symbols of the City of Fort Wayne Zoning Map
No. U-18, as established by Section 11 of the City of Fort
Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the

1 Mayor.

2 Bill No. Z-86-06-10 (AS AMENDED)

3 Page two

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5 
6 _____
7 COUNCILMEMBER

8 APPROVED AS TO FORM AND LEGALITY:

9 _____
10 BRUCE O. BOXBERGER, CITY ATTORNEY

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Fox River Bond
25% COTTON

BILL NO. Z-86-06-10

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. U-18.

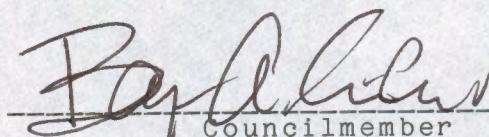
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY
OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a B-1-B (Limited Business) District under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

A part of the Northeast quarter of Section 33, Township
31, Range 13 East, Allen County, Indiana, more
particularly described as follows: Commencing at the
Northeast corner of the Northeast corner of Section 33,
Township 31 North, Range 13 East; thence South 00
degrees, 46 minutes, 00 seconds West along the East
line of the Northeast quarter of said Section 33 a
distance of 1,229.0 feet; thence continuing North 89
degrees, 24 minutes, 54 seconds West a distance of
289.83 feet to a point; thence continuing North
26 degrees, 40 minutes, 40 seconds West a distance of
75.36 feet to the point of beginning; thence continuing
South 63 degrees, 19 minutes, 20 seconds West a
distance 105.0 feet to a point thence continuing South
09 degrees, 29 minutes, 00 seconds West a distance of
230.0 feet to a point; thence continuing North 87
degrees, 57 minutes, 47 seconds East a distance of
120.0 feet to a point; thence continuing North 00
degrees, 46 minutes, 00 seconds East a distance of
280.0 feet to the point of beginning; said description
contains
+/- 0.58 acres,

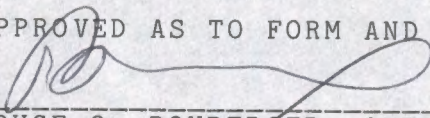
and the symbols of the City of Fort Wayne Zoning Map No.
U-18, as established by Section 11 of the City of Fort
Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.



Councilmember

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2 APPROVED AS TO FORM AND LEGALITY:

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5 BRUCE O. BOXBERGER, CITY ATTORNEY
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Fox River Bond
25% COTTON

Read the first time in full and on motion by Eisbach
seconded by Steen, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of _____,
19____, at _____ o'clock _____ M., 19____

DATE: 6-10-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Eisbach
seconded by Steen, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u> </u>	<u> </u>	<u>1</u>	<u> </u>
<u>BRADBURY</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>EISBART</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>GIAQUINTA</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>REDD</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 12-23-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-16-86

on the 23rd day of December, 1986

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana
on the 26th day of December, 1986
at the hour of 11:00 o'clock 7 .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 29th day of December
1986, at the hour of 11:00 o'clock A .M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RECEIPT

CK 4 1283

REZONING

COMMUNITY DEVELOPMENT & PLANNING

No 1064

FT. WAYNE, IND., May 15 1986

RECEIVED FROM TRANS Am DEVELOPMENT CO \$ 50.00

THE SUM OF Fifty and 00/100 DOLLARS

ON ACCOUNT OF 6105 BRANDY CHASE COVE

PERONE FROM RA TO BIA

AUTHORIZED SIGNATURE

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Trans Am Development Corp.

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RA District to a/an B1-A District the property described as follows:

See Attached Legal

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 6105 Brandy Chase Cove

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition

J. L. Zehr, President

6700 E. State Blvd.

Fort Wayne, IN 46815



(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Orrin R. Sessions

(Name)

6700 E. State Blvd., Ft. Wayne, IN

(Address & Zip Code) 46815

749-0425

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

REZONING DESCRIPTION

A part of the Northeast quarter of Section 33, Township 31, Range 13 East, Allen County, Indiana, more particularly described as follows: Commencing at the Northeast corner of the Northeast corner of Section 33, Township 31 North, Range 13 East; thence South 00 degrees, 46 minutes, 00 seconds West along the East line of the Northeast quarter of said Section 33 a distance of 1,229.0 feet; thence continuing North 89 degrees, 24 minutes, 54 seconds West a distance of 289.83 feet to a point; thence continuing North 26 degrees, 40 minutes, 40 seconds West a distance of 75.36 feet to the point of beginning; thence continuing South 63 degrees, 19 minutes, 20 seconds West a distance of 105.0 feet to a point thence continuing South 09 degrees, 29 minutes, 00 seconds West a distance of 230.0 feet to a point; thence continuing North 87 degrees, 57 minutes, 47 seconds East a distance of 120.0 feet to a point; thence continuing North 00 degrees, 46 minutes, 00 seconds East a distance of 280.0 feet to the point of beginning; said description contains +/- 0.58 acres.

CERTIFICATE OF SURVEY



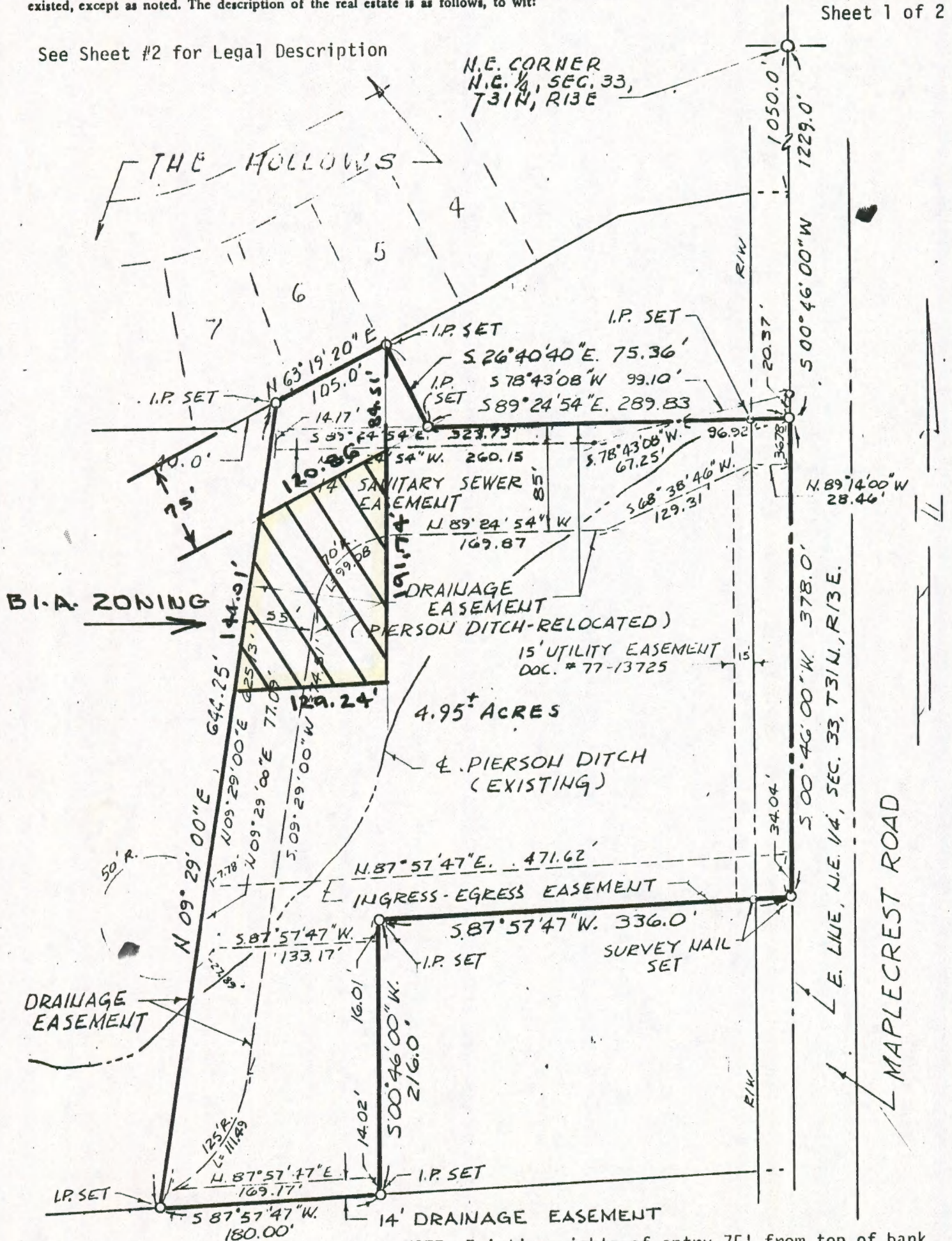
TURNBELL
ENGINEERING
CO., INC.

ENGINEERS & SURVEYORS
ROBERT C. TURNBELL, P.E., L.S. MARK L. STRONG, P.E., L.S. KEITH E. SMITH, L.S.
FORT WAYNE, INDIANA 46805

The undersigned Land Surveyor, registered as provided by Acts of the General Assembly of the State of Indiana, hereby certifies that he has made a resurvey of the real estate depicted and described below. Measurements were made in feet and decimals and the corners were perpetuated as shown, in conformity with the plat and deed record thereof in the office of the Recorder of Allen County, Indiana. No encroachment existed, except as noted. The description of the real estate is as follows, to wit:

Sheet 1 of 2

See Sheet #2 for Legal Description



Job No. E83-1404-7
For Trans Am Development

NOTE: Existing rights-of-entry 75' from top of bank of Pierson Drain to be waived by Allen County Drainage Board when ditch is relocated in drainage easement.
Revised May 3, 1983.

IN WITNESS WHEREOF, I hereunto place my hand and seal this 21st day of April, 1983.

Keith E. Smith

No. 511

SL

REZONING DESCRIPTION

A tract of land in the Northeast quarter of Section 33, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter of said Section 33; thence South 00 degrees 46 minutes 00 seconds west (assumed) a distance of 1050.0 feet; thence North 89 degrees 14 minutes 00 seconds West a distance of 29.0 feet to the Southeast corner of The Hollows, a recorded subdivision in said Section 33; thence South 82 degrees 18 minutes 04 seconds West a distance of 110.40 feet along the Southerly boundary of The Hollows; thence continuing along said Hollow's Southerly boundary South 63 degrees 19 minutes 20 seconds West a distance of 210.0 feet; thence departing from said subdivision's Southerly boundary South 00 degrees 46 minutes 00 seconds West parallel to the East line of the Northeast Quarter of said Section 33 a distance of 84.51 feet to the Point of Beginning; thence South 00 degrees 46 minutes 00 seconds West a distance of 191.74 feet; thence South 87 degrees 57 minutes 47 seconds West, parallel to Brandy Cove, a dedicated street, a distance of 129.24 feet to the West line of a 55 feet drainage easement for the Pearson Drain; thence North 09 degrees 29 minutes 00 seconds East along said Pearson Drain easement a distance of 144.01 feet to a line parallel to and 75.00 feet Southeasterly of the Southerly boundary line of the aforementioned Hollows subdivision; thence North 63 degrees 19 minutes 20 seconds East along said parallel line a distance of 120.86 feet to the Point of Beginning containing 0.445 acres more or less and subject to the Pearson Drain Easement and all other easements of record.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 10, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-06-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 16, 1986.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 23, 1986.

Certified and signed this
1st day of December 1986.



Melvin O. Smith
Secretary

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

From RA to B-1-A

DETAILS

Specific Location and/or Address

5812 Brandy Chase Cove

Reason for Project

A small retail center.

Discussion (Including relationship to other Council actions)

16 June 1986 - Public Hearing

Orrin Sessions representing the petitioner stated that the land in question is to be part of a project that is going to be a small retail center. He stated that the original zoning fronting on Maplecrest was the County equivalent of B-1-A that was obtained about 10 years ago. He stated in the meantime the County Surveyor redid the Pearson Drain, which runs to the north and west of the property in question. He stated that in doing so they left about 1/2 acre between the Pearson Drain on the back of the small retail center. He stated that what they were trying to do was make the usable land features line up with the zoning map. He stated that most of the land in question is covered by the drain with the exception of about 2/10ths of an acre where they intend to put the retail building. He stated that the land around the site is mostly developed. He stated that the Hollows Subdivision is to the north, the Regency Place Nursing Home is to the west, there are existing offices to the south and a restaurant to the north on the front and east of the property on Maplecrest Road is the Georgetown Square Shopping Center.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Trans Am Development Corp
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation☒ For ☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For ☐ Against☐ No Action Taken☐ For with revisions to condition
(See Details column for condition)CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass ☐ Other☐ Pass (as amended) ☐ Hold☐ Council Sub. ☐ Do not pass

DETAILS

Mr. Sessions stated that they met with the Hollows Neighborhood Association and submitted two letters from the association as evidence ----- stating that they do not oppose the use of the land or the rezoning. He stated that they do have some concerns and said they would do their best to get back to the Hollows when they hire an architect. He stated that they want to make sure when they look at the development from the north, they do not want to look at lights or sanitaners. He stated they want to see some landscaping to the north and west and they told the Hollows they would accomodate that and would come back to them when the architectural work was complete. He stated that they did tell them that the back of the buildings would be cedar and earth tones. He stated that the parking lot lights would not glare in their neighborhood.

Ben Eisbart read the letter from the Hollows Neighborhood Association into the record endorsing the use of the property for a liquor store.

David Kiester said that it did not appear that there was any accomodation for drives behind the structures.

Mr. Sessions stated that one of the commitments to the neighborhood was that they would not have drives behind the building.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

23 June 1986 - Business Meeting - Case was deferred to July 28 Business Meeting

Project Start

Date 5-15-86

Projected Completion or Occupancy

Date 12-1-86

Fact Sheet Prepared by

Patricia Biancaniello

Reviewed by

Date

Reference or Case Number

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

28 July 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation with the following conditions

- 1) Retain the north 50 feet of the proposed change of zone area to RA.
- 2) Submit landscape plan for the north 50 feet and west 20 feet to CD&P for review and approval.
- 3) Approved landscape plan be implemented within one (1) planting season after the completion of construction on the subject property.
- 4) Landscaping be maintained to the satisfaction of CD&P.

Motion carried. Of the eight members present 7 voted in favor of conditional approval one did not vote.

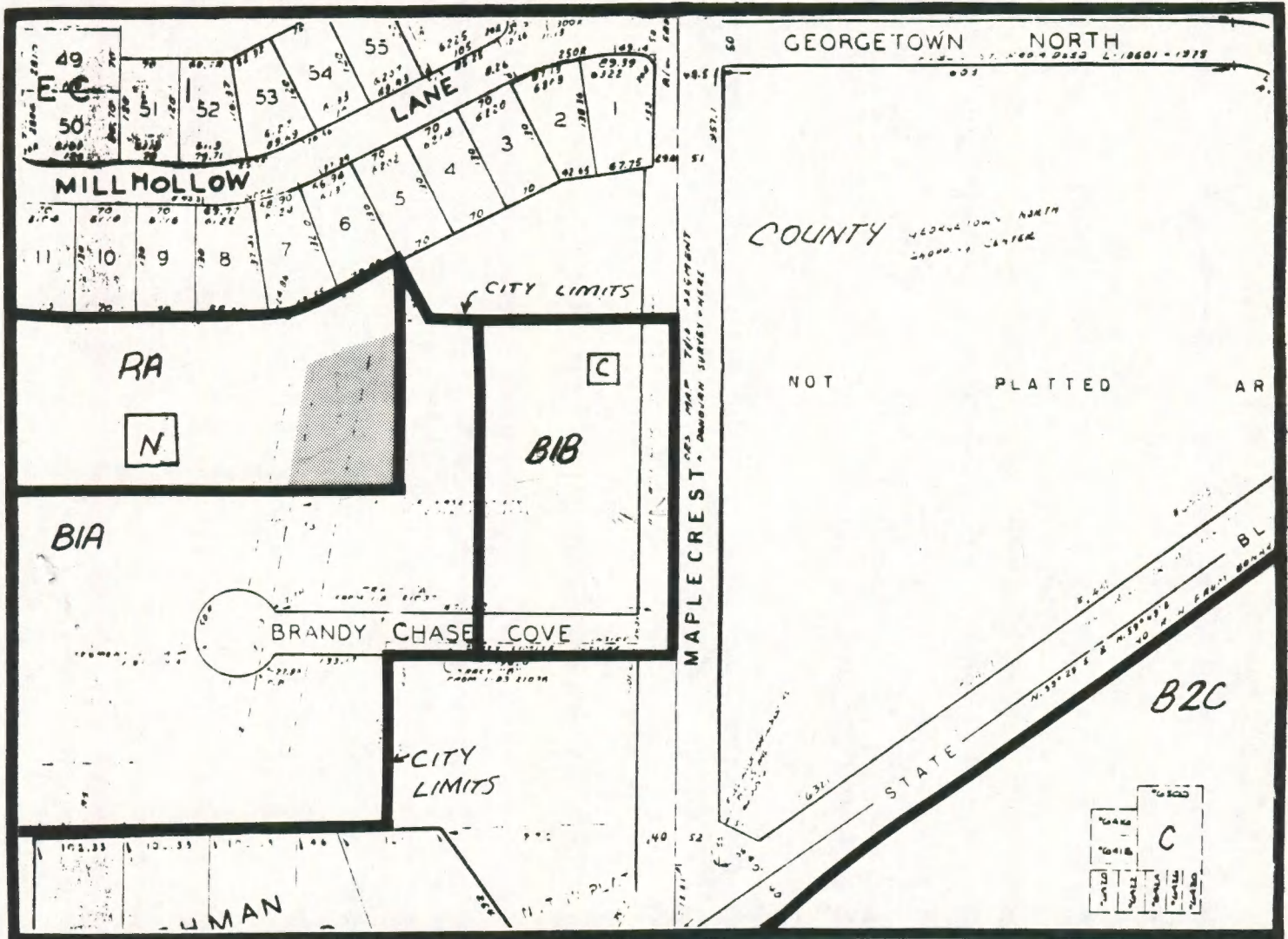
The above stated conditions have been met. The ordinance has been amended to reflect the first condition and a landscape plan is on file and has been approved by the landscape architect.

REZONING PETITION # 118

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A RA DISTRICT TO A BIA DISTRICT.

MAP NO. U-18

COUNCILMANIC DISTRICT NO. 2



ZONING:

BIA LIMITED BUSINESS 'A'
 BIB LIMITED BUSINESS 'B'
 RA RESIDENCE 'A'
 B2C METROPOLITAN SHOPPING CENTER

LAND USE:

[C] COMMERCIAL
 [N] NURSING HOME

Z-86-06-10 AS AMENDED

SCALE: 1"=200'

48 DATE: 5-27-86

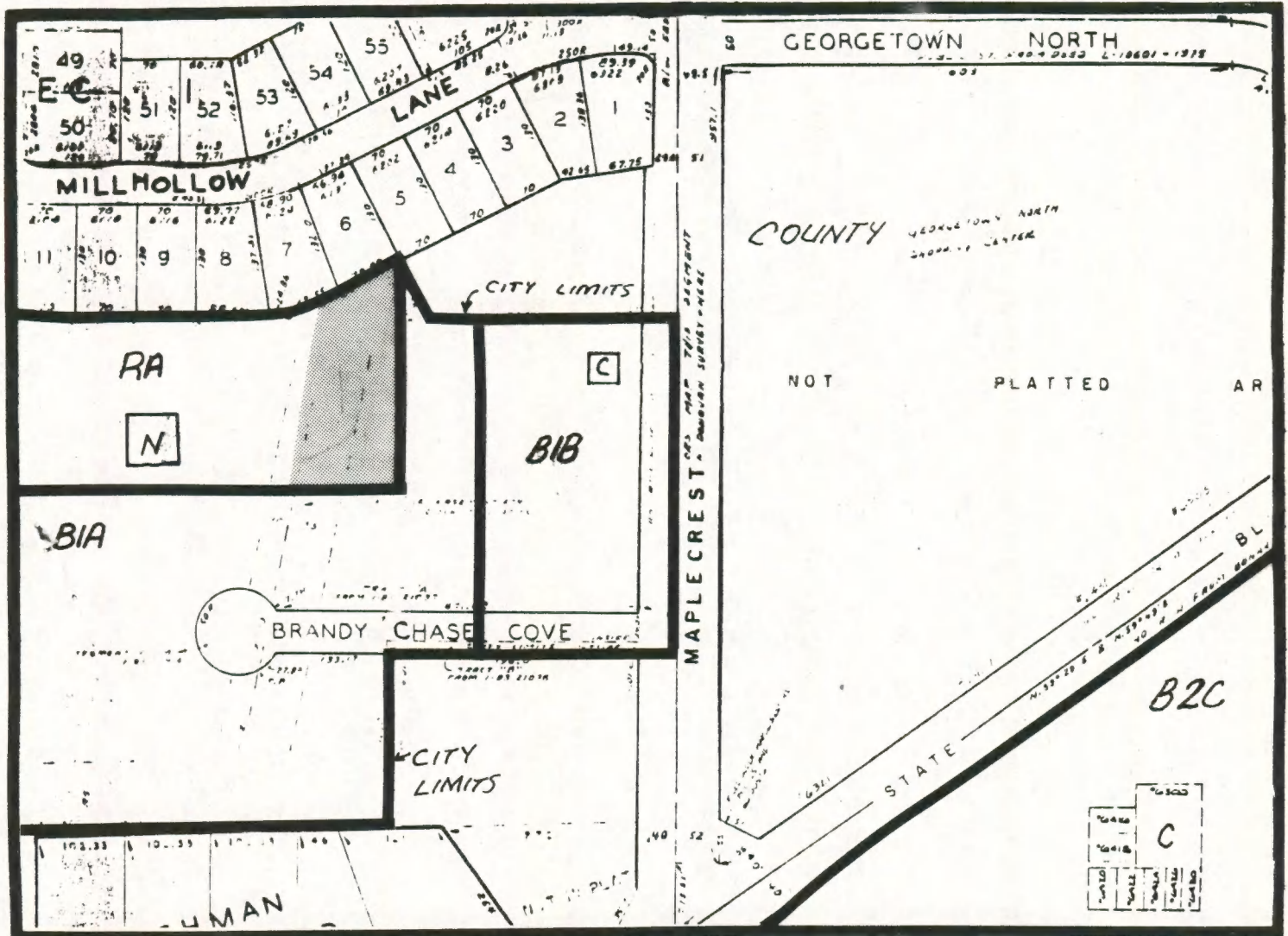


REZONING PETITION 7/1/86

PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A RA DISTRICT TO A BIA DISTRICT.

MAP NO. U-18

COUNCILMANIC DISTRICT NO. 2



ZONING:

BIA LIMITED BUSINESS 'A'
 B1B LIMITED BUSINESS 'B'
 RA RESIDENCE 'A'
 B2C METROPOLITAN SHOPPING CENTER

LAND USE:

C COMMERCIAL
N NURSING HOME

SCALE: 1"=200'

DATE: 5-27-86



COUNCILMANIC DISTRICT No. 2

DIGEST SHEET

ORIGINAL

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 6105 Brandy Chase Cove 3-86-06-10

EFFECT OF PASSAGE Property is presently zoned RA - Suburban Residential.

Property will become B-1-A - Limited Business District.

EFFECT OF NON-PASSAGE Property will remain RA - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

Hold to 23

BILL NO. Z-86-06-10 (as amended)

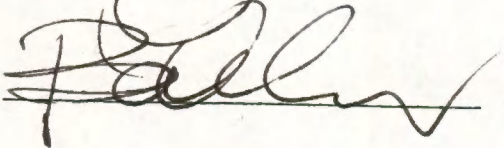
REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort
Wayne Zoning Map No. U-18

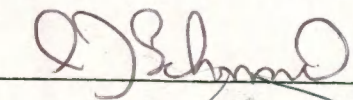
HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~)

YES

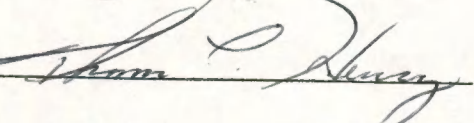
NO



BEN A. EISBART
CHAIRMAN



JANET G. BRADBURY
VICE CHAIRWOMAN



DONALD J. SCHMIDT



THOMAS C. HENRY

CHARLES B. REDD

CONCURRED IN 12-23-86

SANDRA E. KENNEDY
CITY CLERK